

SCHEDULE 4

Regulation 5

ALTERATIONS WHICH MAY BE PUBLISHED BY A LOCAL EDUCATION AUTHORITY

PART 1

Prescribed alterations proposed by a local education authority in respect of community schools

**Enlargement to premises**

1.—(1) An enlargement of the premises of the school which would increase the capacity of the school by—

- (a) more than 30 pupils; and
- (b) by 25% or 200 pupils (whichever is the lesser).

(2) Subject to sub-paragraph (3) in this paragraph—

“an enlargement” of the premises of a school includes—

- (a) the proposed enlargement; and
- (b) any enlargements made in the 5 years preceding the date when the new enlargement will be made, excluding any temporary enlargements where it is anticipated the enlargement will be in place for less than 3 years; and
- (c) the making permanent of any temporary enlargement.

(3) Where there have been any enlargements for which proposals have been published and approved under section 28 of SSFA or section 19 of the Act (“approved proposal”), “enlargement of the premises” includes—

- (a) the proposed enlargements; and
- (b) any enlargements made in the period since the last approved proposal (excluding any temporary enlargements where it is anticipated the enlargement will be in place for less than 3 years); and
- (c) the making permanent of any temporary enlargements.

**Increase in number of pupils**

2.—(1) Subject to sub-paragraphs (2) to (4), an increase in the number of pupils in any relevant age group by 27 or more.

(2) No increase arises for the purposes of sub-paragraph 1 unless the school’s admission number, taking into account the additional pupils, will exceed its highest admission number during the 3 school years immediately preceding the year in which it is intended that the increase will take effect.

(3) This paragraph does not apply in relation to any relevant age group comprising pupils the majority of whom are over compulsory school age.

(4) This paragraph does not apply to temporary increases which it is anticipated will be in place for no more than a year.

**Alteration of upper age limit**

3. The alteration of the upper age limit by a year or more, except—

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- (a) an alteration which consists of providing or ceasing to provide education for pupils over compulsory school age who are repeating a course of education completed before they reach compulsory school age;
- (b) an alteration resulting from persons being provided with education falling within section 80(1) of SSFA 1998; or
- (c) where the alteration is a temporary one, which will be in place for no more than 2 years.

In this paragraph “the upper age limit” in relation to a school means the highest age of pupils for whom education is normally provided at the school.

#### **Alteration of lower age limit**

4.—(1) The alteration of the lower age limit such that when taken with all previous such alterations (if any) taking place since the appropriate date the lower age limit is at least a year higher or lower than the lower age limit on the appropriate date.

(2) In this paragraph—

“the lower age limit” in relation to the school means the lowest age of pupils for whom education is normally provided at the school; and

“the appropriate date” means whichever is the latest of the following dates—

- (a) the date falling 5 years before the date on which the local education authority or, as the case may be, the governing body, form the intention to make the alteration in question;
- (b) the date on which the school was established;
- (c) where any previous proposals for a change in the lower age limit have been approved under any of the provisions mentioned in this paragraph, the date (or latest date) on which the last of any such proposals were implemented;

(3) This paragraph does not apply where the alteration of the lower age limit is a temporary one which will be in place for no more than 2 years.

#### **Special education needs**

5. In relation to provision for special educational needs—

- (a) the establishment of a provision that is recognised by the local education authority as reserved for children with special educational needs;
- (b) a change in the type, or types of special educational needs that is recognised by the local education authority as reserved for children with special educational needs; or
- (c) discontinuance of provision which is recognised by the local education authority as reserved for children with special educational needs.

#### **Sex of pupils**

6.—(1) An alteration to a school to provide that—

- (a) a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes; or
- (b) a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only.

(2) For the purpose of this paragraph a school is to be treated as an establishment which admits pupils of one sex only if the admission of pupils of the other sex—

- (a) is limited to pupils over compulsory school age; and

- (b) does not exceed 25% of the number of pupils in the age group in question normally at the school.

### **Boarding**

- 7.—(1) The introduction or ending of boarding provision.
- (2) The alteration of boarding provision such that the number of pupils for whom boarding provision is made is increased or decreased by 50 pupils or 50% (whichever is the greater).

### **Transfer to new site**

- 8. The transfer of a school to a new site except where the main entrance of the school on the proposed new site would be within 2 miles of the main entrance of the school on its current site (unless the school is transferring to a site within the area of another local education authority).

### **Discontinuance of use of site**

- 9. The discontinuance of provision at any site of a school which occupies more than one site, if the main entrance at any of the school's remaining sites is 1 mile or more from the main entrance of the site use of which is to be discontinued.

## **PART 2**

### **Prescribed alterations proposed by a local education authority in respect of community special schools.**

### **Special educational needs**

- 10. A change in the type of special educational needs for which the school is organised to make provision.

### **Transfer to new site**

- 11. The transfer of a school to a new site except where the main entrance of the school on the proposed new site would be within 2 miles of the main entrance of the school on its current site (unless the school is transferring to a new site within the area of another local education authority).

### **Increase in number of pupils**

- 12.—(1) Except where the school is established in a hospital, any increase in the number of pupils for whom the school is organised to make provision which, when taken together with all such previous increases in the number of pupils would increase the number of such pupils by 10% or the relevant number of pupils (whichever is the lesser) as compared with—

- (a) the number of such pupils on the appropriate date; or
- (b) if, at any time after that date the number of such pupils was lower than on that date, the lowest number at any such time.

- (2) In this paragraph—

the “appropriate date” means whichever is the latest of the following dates—

- (a) the date falling 5 years before the date on which the local education authority publish proposals to increase the number of pupils for which the school is organised to make provision;

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- (b) the date when the school was established;
  - (c) where any proposals for the making of a prescribed alteration to the school consisting of an increase in the number of pupils have been approved under paragraph 3 or 4 of Schedule 6 or paragraph 8 or 9 of Schedule 7 to SSFA 1998, or under these Regulations, the date (or latest date) on which any such proposals were implemented;
- the “relevant number of pupils” is 5 where the school only makes boarding provision and 20 in any other case.

### **Decrease in numbers**

13. Except where the school is established in a hospital, any decrease in the number of pupils for whom the school is organised to make provision.

### **Boarding**

14.—(1) The introduction or ending of boarding provision.

(2) Where the school makes provision for day pupils and boarding pupils, the alteration of boarding provision such that the number of pupils for whom boarding provision is made is increased or decreased by 5 pupils or more.

### **Alteration of upper or lower age limits**

15. The alteration of the upper or lower age limits of the school (that is to say the highest and the lowest ages of pupils for whom education is normally provided at the school).

### **Sex of pupils**

16.—(1) An alteration to a school to provide that—

- (a) a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes; or
- (b) a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only.

(2) For the purpose of this paragraph a school is to be treated as an establishment which admits pupils of one sex only if the admission of pupils of the other sex—

- (a) is limited to pupils over compulsory school age; and
- (b) does not exceed 25% of the number of pupils in the age group normally at the school.

## **PART 3**

### **Prescribed alterations proposed by a local education authority in respect of maintained nursery schools**

#### **Transfer to new site**

17. The transfer of a school to a new site except where the main entrance of the school on the proposed new site would be within 2 miles of the main entrance of the school on its current site (unless the school is transferring to a site within the area of another local education authority).

## PART 4

### Prescribed alterations proposed by a local education authority in respect of foundation or voluntary schools.

#### **Enlargement to premises**

**18.**—(1) An enlargement of the premises of the school which would increase the capacity of the school by—

- (a) more than 30 pupils; and
- (b) by 25% or 200 pupils (whichever is the lesser).

(2) Subject to sub-paragraph (3) in this paragraph “an enlargement” of the premises of a school includes—

- (a) the proposed enlargement; and
- (b) any enlargements made in the 5 years preceding the date when the new enlargement will be made, excluding any temporary enlargements where it is anticipated the enlargement will be in place for less than 3 years; and
- (c) the making permanent of any temporary enlargement.

(3) Where there have been any enlargements for which proposals have been published and approved under section 28 of SSFA or section 19 of the Act (“approved proposal”), “enlargement of the premises” includes—

- (a) the proposed enlargements; and
- (b) any enlargements made in the period since the last approved proposal (excluding any temporary enlargements where it is anticipated the enlargement will be in place for less than 3 years); and
- (c) the making permanent of any temporary enlargements.

#### **Increase in number of pupils**

**19.**—(1) Subject to sub-paragraphs (2) to (4), an increase in the number of pupils in any relevant age group by 27 or more.

(2) No increase arises for the purpose of sub-paragraph (1) unless the school’s admission number, taking into account the additional pupils, will exceed its highest admission number during the 3 school years immediately preceding the year in which it is intended that the increase will take effect.

(3) This paragraph does not apply in relation to any relevant age group comprising pupils the majority of whom are over compulsory school age.

(4) This paragraph does not apply to temporary increases which it is anticipated will be in place for no more than a year.

#### **Special educational needs**

**20.** In relation to provision for special educational needs—

- (a) the establishment of a provision that is recognised by the local education authority as reserved for children with special educational needs; or
- (b) discontinuance of provision which is recognised by the authority as reserved for children with special educational needs.

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### **Alteration of upper age limit**

**21.**—(1) The alteration of the upper age limit so as to provide sixth form education other than such an alteration resulting from persons being provided with education falling within section 80(1) of SSFA 1998.

(2) In this paragraph the “upper age limit” in relation to the school means the highest age of pupils for whom education is normally provided at the school.

## **PART 5**

### **Prescribed alterations proposed by a local education authority in respect of foundation special schools**

#### **Increase in number of pupils**

**22.**—(1) Except where the school is established in a hospital, any increase in the number of pupils for whom the school is organised to make provision which, when taken together with all such previous increases in the number of pupils would increase the number of such pupils by 10% or the relevant number of pupils (whichever is the lesser) as compared with—

- (a) the number of such pupils on the appropriate date; or
- (b) if, at any time after that date the number of such pupils was lower than on that date, the lowest number at any such time.

(2) In this paragraph—

the “appropriate date” means whichever is the latest of the following dates—

- (a) the date falling 5 years before the date on which the local education authority publish proposals to increase the number of pupils for which the school is organised to make provision;
- (b) the date when the school was established;
- (c) where any proposals for the making of a prescribed alteration to the school consisting of an increase in the number of pupils have been approved under paragraph 3 or 4 of Schedule 6 or paragraph 8 or 9 of Schedule 7 to SSFA 1998, or under these Regulations, the date (or latest date) on which the last of any such proposals were implemented;

the “relevant number of pupils” is 5 where the school only makes boarding provision and 20 in any other case.

#### **Special educational needs**

**23.** A change in the type of special educational needs for which the school is organised to make provision.